

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE)
LITIGATION) MDL No. 1456
_____) Civil Action No. 01-12257-PBS
THIS DOCUMENT RELATES TO:) Hon. Patti B. Saris
_____) Magistrate Judge Marianne B. Bowler
United States of America ex rel. Ven-a-Care)
of the Florida Keys, Inc. v. Abbott)
Laboratories, Inc.,)
CIVIL ACTION NO. 06-11337-PBS)

**UNITED STATES' MOTION FOR LEAVE TO FILE UNDER SEAL
EXHIBITS TO ITS OBJECTIONS TO THE JULY 19, 2007 ORDER
BY MAGISTRATE JUDGE BOWLER**

The United States of America, through its undersigned counsel, respectfully moves the Court for leave to file under seal Exhibits E, F, G, H, I, J, K, M, N, P, Q and R to the United States' Objections to the July 19, 2007 Order by Magistrate Judge Bowler and states:

Exhibits E, F, G, H, I, J, K, M, P, Q and R are documents produced by Abbott that Abbott has designated "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL". Exhibit N is a document produced by a third-party that the third-party has designated "HIGHLY CONFIDENTIAL". Pursuant to paragraph 17 of the Protective Order entered on February 16, 2007 in this case (Dkt. No. 3804), any documents or pleadings to be filed with the Court that contain "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information, shall be filed under seal and a redacted version of the document shall be publicly filed, simultaneously.

The United States disagrees with the designation of some of these documents as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" but is filing this motion as required by the Protective Order in order to get this time sensitive matter before the Court. In the alternative, the United States seeks an order from the Court overruling the confidentiality designations and

allowing specified exhibits to the United States' Objections to the July 19, 2007 Order by Magistrate Judge Bowler to be filed publicly without redaction.

Wherefore, the United States respectfully requests that the Court grant leave to file the exhibits listed above under seal, or in the alternative, that the Court overrule the designations of the materials as "CONFIDENTIAL" and "HIGHLY CONFIDENTIAL" and order that the exhibits need not be filed under seal.

Respectfully submitted,

For the United States of America,

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Dated: August 15, 2007

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above **UNITED STATES' MOTION FOR LEAVE TO FILE UNDER SEAL EXHIBITS TO ITS OBJECTIONS TO THE JULY 19, 2007 ORDER BY MAGISTRATE JUDGE BOWLER** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Rebecca A. Ford

Dated: August 15, 2007

Rebecca A. Ford